

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEFF SWANSON,

Plaintiff,

vs.

Civ. No. 20-0496 KG/GJR

COUY GRIFFIN, Otero County
Commissioner, in his individual capacity
acting under the color of law, and
SYLVIA TILLBROOK, Otero County
Records Custodian,

Defendants.

ORDER OF DISMISSAL

This matter comes before the Court on Mandate from the United States Court of Appeals for the Tenth Circuit. (Doc. 29). On appeal, the Tenth Circuit reversed this Court's Order (Doc. 14). denying Defendant Couy Griffin's motion to dismiss and for qualified immunity with respect to Plaintiff's claims in Count 1 for violations of the First Amendment. (Doc. 29-1). The Circuit then remanded the case for further proceedings. As ordered by the Tenth Circuit, the Court concludes that Plaintiff failed to show that his alleged First Amendment right was "clearly established" at the time of the incident and, therefore, Defendant Griffin is entitled to qualified immunity.

IT IS, THEREFORE, ORDERED that Plaintiff's claims against Defendant Griffin in the First Cause of Action are dismissed with prejudice.


UNITED STATES DISTRICT JUDGE